

Notice of Allowability

Application No.

10/671,139

Examiner

Sow-Fun Hon

Applicant(s)

BHATTACHARYYA, JAYANTA

Art Unit

1772

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to the terminal disclaimers filed 11/19/04 and amendment filed 04/27/05.
2. ☒ The allowed claim(s) is/are 28, 30-31, 36-42, 61-63 renumbered 1, 2-3, 4-10, 11-13.
3. ☐ The drawings filed on _____ are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

- | | |
|---|--|
| 1. <input type="checkbox"/> Notice of References Cited (PTO-892) | 5. <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 6. <input checked="" type="checkbox"/> Interview Summary (PTO-413),
Paper No./Mail Date <u>05/05/05</u> . |
| 3. <input type="checkbox"/> Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date _____ | 7. <input checked="" type="checkbox"/> Examiner's Amendment/Comment |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit
of Biological Material | 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance |
| | 9. <input type="checkbox"/> Other _____. |

EXAMINER'S AMENDMENT

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Dan Lykins on May 5th, 2005.

The application has been amended as follows:

2. Claim 28: Replace lines 1-2 with - - An extruded high performance, chemical resistant hose, which withstands temperatures up to about 300 °F for prolonged periods of time, said extruded high - -
3. Replace the amendment to the specification dated 09/23/2003, insert in Page 1, before line 3 of specification dated 09/23/2003 with

- - CROSS REFERENCE TO RELATED APPLICATIONS

This application is a continuation of U.S. Serial No. 10/262,795, filed October 2, 2002, now U.S. Patent 6,623,822, which is a continuation of U.S. Serial No. 09/311,310, filed May 13, 1999, now U.S. Patent No. 6,524,673. U.S. Serial No. 10/262,813, filed October 2, 2002 concurrently with U.S. Serial No. 10/262,795, is a divisional of U.S. Serial No. 09/311,310, filed May 13, 1999, now U.S. Patent No. 6,524,673, and is also a related application. - -

The following is an examiner's statement of reasons for allowance: US 5,457,146, even in combination with US 5,051,474 and US 3,243,475, fails to teach or

Art Unit: 1772

suggest, an extruded high performance, chemical resistant hose which withstands temperatures up to about 300 °F for prolonged periods of time, said extruded high performance, chemical resistant hose having a matrix comprising a thermoplastic vulcanizate comprising:

1) a thermoplastic polyurethane in an amount of about 30 to 70 weight % of said thermoplastic vulcanizate, wherein the thermoplastic polyurethane is crosslinked in said matrix; and

2) a chlorine-containing polyolefin in an amount of about 30 to 70 weight % of said thermoplastic vulcanizate, wherein said chlorine-containing polyolefin is a mixture of:

a) chlorinated polyethylene (A) and chlorosulfonated polypropylene (E); or

b) chlorinated polyethylene (A) and chlorosulfonated copolymer of ethylene and propylene (F); or

c) chlorinated polypropylene (B) and chlorosulfonated polypropylene (E); or

d) chlorinated polypropylene (B) and chlorosulfonated copolymers of ethylene and propylene (F); or

e) chlorinated copolymer of ethylene and propylene (C) and chlorosulfonated polypropylene (E); or

f) chlorinated copolymer of ethylene and propylene (C) and chlorosulfonated copolymers of ethylene and propylene (F); or

g) chlorosulfonated polyethylene (D) and chlorosulfonated polypropylene (E); or

h) chlorosulfonated polyethylene (D) and chlorosulfonated copolymer of ethylene and propylene (F); or

Art Unit: 1772

i) chlorosulfonated polypropylene (E) and chlorosulfonated copolymer of ethylene and propylene (F).

The matrix below sets forth which combinations of the components of the Markush group of A, B, C, D, E, F are excluded.

Key: N (excluded), N/A (not applicable), Y (included).

	A	B	C	D	E	F
A	N/A	N	N	N	Y	Y
B	N	N/A	N	N	Y	Y
C	N	N	N/A	N	Y	Y
D	N	N	N	N/A	Y	Y
E	Y	Y	Y	Y	N/A	Y
F	Y	Y	Y	Y	Y	N/A

US 6,623,822 cannot be applied as prior art due to the terminal disclaimer filed 11/19/04.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Any inquiry concerning this communication should be directed to Sow-Fun Hon whose telephone number is (571)272-1492. The examiner can normally be reached Monday to Friday from 10:00 AM to 6:00 PM.

Art Unit: 1772

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Harold Pyon, can be reached at (571)272-1498. The fax phone number for the organization where this application or proceeding is assigned is (703)872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

S. Hon
Sow-Fun Hon
05/09/05

Harold Pyon
HAROLD PYON
SUPERVISORY PATENT EXAMINER
1772

5/16/05